

Minutes

Utah Council on Victims of Crime
Thursday, March 19, 2009

11:30 a.m. Lunch
12:00 p.m. Meeting

Capitol Board Room
East Side Second Floor
State Capitol, Salt Lake City

In Attendance:

Reed Richards	Ron Gordon	Christine Watters
Laura Blanchard	Ned Searle	Kirk Torgensen
Patricia Sheffield	Yvette Evans	Sharon Daurelle
Cecelia Swainston	Mel Wilson	Steve Schreiner
Mike Rapich	Gary Scheller	Heidi Nestel, guest
Jacey Skinner, guest	Brandon Simmons, guest	Kelly Schaeffer-Bullock, guest
Tony Graff, guest	Allison Williams	

MINUTES

Agenda Item:	Welcome & Introductions, Reed Richards
Discussion:	Reed welcomed and convened the meeting. He talked briefly about the legislative session and welcomed new people or people who had taken new positions. Ron Gordon is now the executive director of CCJJ. James Swink took the position of Cache County Attorney. Gary Scheller is the interim director of CVR until they find a new one.

Agenda Item:	2009 Annual Crime Victims Conference, Laura Blanchard
Discussion: Program/Agenda Review	Laura passed out the Conference brochure and asked the Council to please help distribute the brochure and other information. The committee is concerned about attendance numbers because of budget cuts. She also briefly talked about the logistics and how most will be in the auditorium as opposed to the rotunda because of sound and privacy.
Award Nominations	Laura asked the Council to please send people to the Conference and fill out the nomination forms which are on the website and

CAP Program	<p>in their packets that were handed out today.</p> <p>Laura also talked about the National Crime Victims Rights Week and the day of service, which was proposed in the Community Awareness Program grant that the Council received. We ordered chap sticks and are going to distribute those on college campuses along with other victim's rights materials. Laura encouraged the Council members to report any activities they do during that week of April 26th – May 2nd so that we can report it, per the grant requirements.</p>
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Agenda Item:	Victim Appellate Issues
Discussion: SJR014- Challenging the Legality of a Conviction or Sentence	<p>Kirk Torgensen</p> <p>Kirk started by saying he wished he could have done a better job of having a greater number of supporters in attendance during their time with the legislature and asked that next year we get more serious about making this public. He felt we should have had a larger voice. In the end they lost the vote with 38-35 because it has to be a 2/3rds win, even though for days they were talking to legislators trying to get this passed. An 80 year old woman came and as soon as they lost the vote she sent her representative a letter and said she'd remember this for re-election. They came up with a list of every legislator who said that if nothing came up to rectify this then they would vote for it next year.</p> <p>He wants people to talk to the legislators before the legislature as it is a better atmosphere. Reed suggested we invite the Constitutional Amendment Committee to the Council meeting and suggest changes, in a friendly setting of course.</p> <p>Patricia asked Kirk why the Speaker of the House wouldn't support this legislation. We think it's because his son took a law class from a professor who was against this. Overall, he's not sure, but it all comes down to politics. Patricia is going to talk with Kirk about setting something up down in St. George. Steve suggested they talk about this at the UPC spring conference because they have satellites that broadcast all over the state.</p>
Discussion: Standardized	Yvette Evans & Tammie Atkin

Victim Letter	Tammie implemented the change and has sent it out to about 20 victims, but hasn't had anyone state they want to participate, but at least they know the option is there. Tammie would like the Courts to have one. Christine asked Tammie to forward the letter.
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Agenda Item:	Victims' Funding
Discussion: VINE	<p>Ron Gordon</p> <p>Ron said CVR would have an additional \$750,000 back into their fund from diagnostics, because judges do not have the option anymore to send people there. The CVR board in February suspended rent and deposit payments, which is a significant benefit to victims but in July they might have to suspend a lot more. Ron is hoping this will give more breathing room so that we don't have to suspend more benefits.</p> <p>In order to maintain the CVR fund, the VINE contract with the Courts was eliminated. From a financial perspective, the court contract is not justifying itself, especially because it is not a public safety issue. Everything is all about stabilizing the fund, and we don't want to get into a situation where we have to put people on a waiting list.</p> <p>CCJJ is also looking into an email notification system and how easier and costly it would be.</p>
Discussion: Surcharge	<p>Ron Gordon</p> <p>Collections are about the same now as they were last year. Staying equal is better than losing money but it's hard to keep up with the rising costs of medical services.</p> <p>Heidi mentioned that being in the court a lot she hears many people saying the surcharge isn't much and she just wants to remind the judges that the fines do go to the victims.</p>
Discussion: Bryne Recovery Act Funds	<p>Richard Ziebarth</p> <p>Richard Ziebarth, from CCJJ, talked about the Bryne Recovery Act Funds and the money we received from them. The JAG</p>

	<p>grant is receiving a little over 16 million from stimulus money, so CCJJ is trying to figure out how to proceed with the almost 10 million they received. 4.6 million is still the hardest piece of that 10 million to distribute, which is available for state projects.</p> <p>Richard briefly went over the US Department of Justice programs, which are in the handout he provided. Cecelia asked if this replaced what we normally get through JAG and VOCA, but he indicated it is in addition to what we normally receive.</p> <p>(For additional information see handout)</p>
Discussion: VOCA/VAWA Recovery Act Funds	<p>Christine Watters</p> <p>Last year CVR awarded about 3.5 million and it will be about the same for the VOCA formula grant. In addition to the formula grant, we also have to administer the VOCA recovery, VAWA recovery and VAWA sexual assault. We need to have these expended anywhere from one year to two years so it is a short time frame with strict guidelines and penalties if you do not adhere to them. Christine indicated that it would be a great time for model agencies to apply for these funds to do a start up program of ideas they've been wanting to do, as a pilot project. All the detailed information is on the sheets provided.</p> <p>(For additional information see handout)</p>

Agenda Item:	Up-Dates
Discussion: Restitution Pilot Project	<p>Mel Wilson</p> <p>Mel suggested the committee get together to start working on this.</p>
Discussion: POST Victimology Course	<p>Patricia Sheffield</p> <p>Patricia will have information on this for the next meeting.</p>
Discussion: Sentencing Matrix	<p>Ned Searle</p> <p>Ned passed out the DV sentencing matrix. He and Kris Knowlton have decided to pull together a DV research group that</p>

	<p>has met three or four times so far. He will have the DV sentencing matrix, along with the guidebook, done by the end of this year. The end goal is to make it available to all the courts and hopefully they will abide by it.</p> <p>Heidi asked if the defense bar has looked at this. Heidi said that if the defense isn't on it now then the group could do damage later by not having them involved and then it's possible that they will try to thwart this. There are three defense attorneys on the sentencing commission and this must pass the sentencing commission before it is final so hopefully that should suffice for them not being on the research group. Gary Dalton was suggested as the person that Ned should speak with, as he is over the county victim services.</p> <p>(For additional information see handout)</p>
Discussion: Crisis Response Team	<p>Cecelia Swainston</p> <p>Susan Ritter, who had agreed to direct the program, has been out of the county off and on so the program is on hold, even though they are still gun-ho about the crisis response team. They have met with all the police-based victim advocate agencies and they are on board.</p>

Agenda Item:	2009 Legislative Session, James Swink
Discussion: Victims Rights Amendment (HB 148S04-Rep. Webb)	<p>Mel Wilson</p> <p>Bill passed. He wanted to express his thanks to the committees who helped this year. At first their language was not acceptable to the prosecution, but after meeting with SWAP bill changes were made and it held things up for a while. Paul Cassell re-wrote it a couple times, got it distributed and worked with Representative Webb, but it didn't get out of committee until two weeks prior to the session. In the end it passed though at 9:10 p.m. Originally there was a fiscal note of \$20,000 if we didn't take out the Class A and B misdemeanors. This legislation is a great step forward.</p>
Discussion: Crime of Strangulation or Smothering	James Swink

(HB13-Rep. Seelig)	Bill did not pass. It didn't pass because of fiscal note. They are trying to work on this so next year there will be no fiscal note. They want to take out the wording "to attempt."
Discussion: Breach of Protective Order (SB183-Senator McCoy)	Ned Searle Bill passed. The DV community is alright with this bill, as long as they stick to the four guidelines, but it also has severe limitations. The bill though, is still pretty safe-guarded for victims.
Discussion: DV in Presence of a Child (HB275-Rep. Gibson)	James Swink Bill passed. If you have DV occurring in the presence of a child then you can make a charge for each child, as opposed to just one count. Gary brought up a concern and suggested that they may want to look into the issue of DV vs. child abuse.
Discussion: Sex Offender Contact with Child (HB29-Rep. Greenwood)	Reed Richards Bill passed. If a sex offender even tries to pick up a child, whether he actually succeeds or not, it is now a misdemeanor.
Discussion: Criminal Restitution Amendments	Reed Richards Bill passed. The bill went through somewhat easily. If you have a restitution order, then when it becomes a civil judgment it will never disappear (before it was 8 years and you had to have it renewed).
Discussion: Sexual Assault Victim Protocols (RB132S1-Rep. Biskupski)	Ned Searle Bill passed. Ned said most people were against abortions and this bill is for victims who go to a hospital that they have the right to have the information given to them and or the day after pill.
Discussion: Asset Preservation	Kirk Torgensen Bill passed. The concept here is to freeze the assets before you even charge them, so that the funds don't disappear. There was a case where they froze \$3.5 million from the bank because he owed the tax commission. This bill ensures the money goes to the victims.

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Agenda Item:	2009 Annual Meeting, Reed Richards
Discussion:	NCRA is the first week of June, so the second week of June could be a possibility. Allison try June 8 th and 9 th first then the 15 th and 16 th at the Zermatt and if they aren't available then try either Inn on the Creek or the Homestead.

Agenda Item:	Other
Discussion:	On a side note, there is a new federal defender's program that has a "victim advocate" calling people saying he is their victim advocate and if they, for example, want to negotiate a death penalty etc. Victims are confused because they think that Tammie or whoever else is their victim advocate. They say their intent is pure, but it certainly seems like an ethical violation.

Agenda Item:	Next Meeting
Discussion:	If the annual meeting is in June, then the Council won't need to meet until then.

Action Items:	
	<ul style="list-style-type: none"> • Tammie forward the victim letter